

## REMARKS

The action by the Examiner in the noted Office Action of November 15, 2007, together with the references cited therein, have been give careful consideration. Following such consideration, Applicant is amending the claims as indicated in accordance with suggestion, and requesting reconsideration of certain rejections. It is respectfully requested that the Examiner consider the claims in their present form, together with the following comments, and allow the application.

### Drawings

In reviewing the drawings, Applicant noted that the fold line 26 was incorrectly labeled as numeral "32" in Figure 2. The replacement drawing sheet correctly identifies the fold line. Acceptance of the replacement sheet and the thus revised drawing is requested.

### Claim Objections

Claim7 was objected to with the suggestion that "from" be inserted in line 1. Claim 7 has been accordingly amended and acceptance is requested.

## Claim Rejections – 35 USC 112

Claims 1 through 10 were rejected under Section 112 as “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention”. Subject to overcoming the noted deficiencies, the claims were deemed “Allowable Subject Matter”.

The claims have been amended in a manner thought to cure the rejections.

More particularly, Claim 1 has been amended for consistent antecedent basis by reciting “test strip” at all occurrences.

Acceptance is requested.

Claims 6 through 8 have also been amended in accordance with Examiner’s suggestion to recite “test strip” as the component, consistent with claim 1. Acceptance is requested.

Regarding method Claims 8 and 9 and the placement of the opaque surface, the specification on Pages 5 and 6 teaches that the surface may be placed interior of the sleeve as an insert or part of the test strip, or on the exterior of the sleeve as illustrated. Thus for claim 8, the method merely requires placement behind the test strip to achieve the indicative color indication, encompassing both

exterior and interior dispositions of the surface. Claim 9 covers the specific methodology wherein the surface is on the exterior surface. Reconsideration is requested.

With regard to claims 1 and 6 and the location of the test strip with respect to the opaque surface/substrate, Applicant again notes that the opaque surface may be interior or exterior of the sleeve and that is be oriented to provide a background contrast to the test strip. Applicant has amended the claim to provide an orientation opposite the test strip “in assembly” (claim 1) and opposite the adhesive layer “in assembly” (claim 6). It is thought that this more clearly recites the operative positioning and acceptance of claims 1 and 6 is requested. While Applicant believes such amendment overcomes the referenced positioning uncertainty, if Examiner has suggestions for alternative recitations, Applicant will be receptive to consideration thereof.

Additionally, Applicant has amended claims 2 and 3 for proper antecedence with claim 1. Claim 6 has been amended for consistent recitation of “tubular member”. Acceptance is requested.

An earnest effort has been made to comply with the conditions for allowance. Accordingly, Applicant submits that claims 1 through 10 recite patentable novelty and allowance thereof is respectfully requested. Should Examiner feel additional clarification is required, Applicant would request telephone communication to resolve any remaining issues.

Dated: January 23, 2008

Respectfully submitted,

ISHMAN LAW FIRM PC

A handwritten signature in black ink, reading "Peter D. Sachtjen". The signature is written in a cursive style with a large, stylized 'P' and 'S'.

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